

REMARKS

Claims 1-13 and 25-28 are presently pending. Claims 1-28 were rejected. Claims 14-24 are cancelled without prejudice. Claims 1 and 27 are amended.

Claims 1-8, 10-11, and 25-28 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,795,450, ("Mills").

Assignee has amended claim 1 to include, among other limitations "determining, by the network interface, at least one power mode of the host computer from a plurality of possible power modes, and whether the host computer is using battery power ...". Claim 25 is amended to include, among other limitations, "detecting [at least one of] an amount of traffic, a link, an absence of AC power and a power state of the communication system ...". Claim 27 is amended to include, among other limitations, "a PHY adapted to detect at least one host power mode from a plurality of possible host power modes and usage of battery power ...".

It is well settled that to anticipate a claim, the reference must teach every element of the claim. See M.P.E.P. 2131. Assignee respectfully submits that Mills does not teach at least the foregoing. Accordingly, for at least the foregoing reasons, Examiner is requested to withdraw the rejection to claims 1, 25, and 27, as well as dependent claims 2-13, 26, and 26.

Conclusion

For at least the foregoing reasons, each of the pending claims in the application are allowable, thereby making the application in a condition for allowance. A notice to that affect is respectfully solicited.



Mirut Dalal
Attorney for Assignee
Reg. No. 44,052

McAndrews, Held & Malloy, Ltd.
500 West Madison - Suite 3400
Chicago, IL 60661

Phone (312) 775-8000
FAX (312) 775-8100